

REMARKS

Claims 1-2, 4-9 and 11-15 are presented for examination in the present application, including claims 11-15 newly presented in this Amendment.

Claims 1-10 of the application as filed have been rejected as being either anticipated by Slat 2003/0091769, or obvious over Slat combined with Brady WO 98/04464. Reconsideration is respectfully requested.

Amended independent claim 1 recites a molded plastic container or container preform having a wall with at least one matrix resin layer and at least one intermediate resin layer. The intermediate resin layer is blended with an additive. The wall has at least one localized portion of predetermined logo geometry that is thicker than surrounding portions of the wall, within which the intermediate resin layer (with additive) is thicker than in surrounding portions of the wall and within which the additive is discernible.

Slat discloses a container preform that includes at least one matrix resin layer 12 or 18 and at least one intermediate resin layer 14 or 16. At least one of the layers includes an additive such as a colorant or an ultraviolet light absorber. The Examiner refers to "36" in Slat FIG. 3 as being thicker than surrounding portions of the container wall. The numeral 36 in Slat refers to the open neck portion of the preform [0041]. It is assumed that the Examiner intends to refer to the external thread on the neck of the preform. However, there is no disclosure or suggestion in Slat that the intermediate resin layer 14 or 16 is thicker in the external thread than in the surrounding portion of the neck, or that the colorant or ultraviolet light absorber additive is discernible in the external thread. Slat FIG. 1 clearly shows that the intermediate layers 14, 16 (as well as the inner layer 12) are of uniform thickness in the neck area. Furthermore, layers 12, 14, 16 are provided as a

coextruder liner onto which the outermost layer 18 is molded [0015]. Thus, it is clear that the thickness of the external threads lie entirely in the molded outermost layer. FIGS. 2a-2g in Slat illustrate varying layer thicknesses in the “body-forming portion” of the preform to accommodate subsequent blow molding [0027], but do not suggest varying layer thicknesses in the neck portion of the preform where the external threads are disposed.

Amended independent claim 1 also recites that the thicker localized portion of the wall is of “predetermined logo geometry”. The word “logo” is defined in *Webster’s Ninth New Collegiate Dictionary*, for example, as “an identifying symbol.” The external thread in Slat clearly is not a “logo geometry.” The Examiner cites Brady as disclosing a logo 32 formed in the container wall portion 30. However, the logo 32 in Brady is embossed in the container wall in such a manner that the pressure of the liquid and carbonation within the container flexes the embossment so that the embossment becomes invisible (page 6, lines 10-13), while removal of the internal pressure allows the embossment to flex inwardly and become visible. It is not clear how such a disclosure in Brady could be combined with the disclosure of Slat as suggested by the Examiner. The external threads on the container preform in Slat ultimately serve the function of attaching a closure to the container, and it hardly would have been obvious to replace the external threads with a logo of some sort inasmuch as there would then be no means for attaching the closure. Furthermore, it hardly would have been obvious to form the external threads in Slat in such a manner that the threads would flex and disappear under pressure within the container inasmuch as disappearance of the threads would negate their function of holding the closure on the container. Thus, amended claim 1 clearly is allowable over the

proposed combination of Slat and Brady. Claims 2 and 4 dependent on claim 1 likewise are allowable.

Independent claim 5 has been amended to recite that the localized portion of the container is of “predetermined logo geometry,” and therefore is allowable for reasons set forth above in connection with claim 1. It hardly would have been obvious to replace the thread-securing external threads in Slat with a logo that disappears under pressure. Dependent claims 6 and 7 likewise are allowable.

Independent claim 8 has been amended to recite that the enlarged portion of the container or preform comprises a logo, and therefore is allowable for reasons discussed in detail above in connection with claim 1. New dependent claim 11 further recites that the barrier layer is thicker in the enlarged portion than in other portions of the container or preform. Slat fails to disclose or suggest that either of the barrier layers 14,16 is thicker in the external thread portion of the preform finish in FIG. 3. In fact, the cross section of FIG. 1 clearly shows that the barrier layers 14,16 are of the same thickness in the finish portion of the preform as in the body and end portions of the preform, and the external threads are disposed entirely in the molded outermost layer 18. Thus, the Slat reference, either alone or combined with Brady, fails to suggest the subject matter of new dependent claim 11.

New independent claim 12 recites a container or container preform composed of a multi-layer structure having at least one matrix resin layer and at least one intermediate resin layer. The container or preform has a closed end, a sidewall extending from the closed end, a finish portion terminating the sidewall and an enlarged portion formed in at least one of the closed end, the sidewall and the finish portion. The

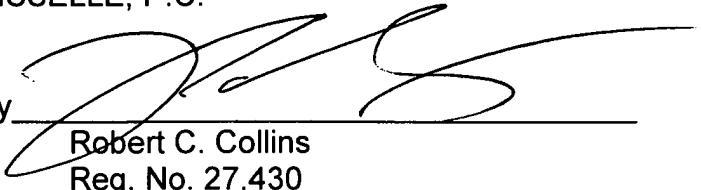
intermediate resin layer is thicker in the enlarged portion than in other portions of the container preform, and includes an additive that is discernible in at least one of visible light and ultraviolet light. The additive is more visibly pronounced in the enlarged portion than in other portions of the container or container preform. As noted above in connection with amended independent claim 1 and new dependent claim 11, the Slat reference fails to disclose or suggest, either alone or in combination with Brady, that an intermediate resin layer containing an additive is or should be thicker in the enlarged portion than in other portions of the container or preform so that the additive in the intermediate resin layer is more visibly pronounced in the enlarged portion than in other portions of the container or preform. Slat FIG. 1 clearly shows that the intermediate layers 14,16 are of the same thickness in the finish portion of the preform as in the body portion and end portion of the preform. FIGS. 2a-2g illustrate various embodiments in which thickness of the intermediate layers 14,16 (as well as thicknesses of the outer layers 12,18) vary "in the body portion" of the container preform [0027]. These thickness variations are expressly stated to be in the body-forming portion of the preform and accommodate different rates of stretching of the preform body during the step of blow molding the preform into a container. However, the finish portion of the preform is not blow molded, so there would be no reason to vary the thickness of the intermediate layers in the external threads on the container finish. New independent claim 12 clearly is allowable over Slat, either alone or combined with Brady, as are new claims 13-15 dependent upon new claim 12.

It therefore is believed and respectfully submitted that all claims 1-2, 4-9 and 11-15 remaining in the application are allowable at this time, and favorable action is respectfully solicited.

Please charge any fees associated with this submission to Account No. 15-0875
(Owens-Illinois).

Respectfully submitted,

REISING, ETHINGTON, BARNES,
KISSELLE, P.C.

By 

Robert C. Collins
Reg. No. 27,430
Telephone (248) 689-3500
Facsimile (248) 689-4071